

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY**

**APPLICABILITY FACT SHEET
SEASONAL RESTRICTIONS ON OPEN BURNING**

Seasonal restrictions on open burning are contained in Article 40 [Emission Standards for Open Burning (Rule 4-40)] of Part II of 9 VAC 5 Chapter 40, specifically 9 VAC 5-40-5630. To view the rule, [click here](#).

LATEST CHANGES

On June 21, 2006, the State Air Pollution Control Board adopted revisions to the open burning rule. These changes were published in the Virginia Register on September 18, 2006 (23 VAR 28) with an effective date of October 18, 2006.

The changes expanded the seasonal restriction:

- From three months to five (May, June, July, August and September).
- Into new localities (see **highlighted** in the list below) in the emissions control areas.
- To prohibit the use of special incineration devices. A special incineration device is a pit incinerator, conical or teepee burner, or any other device specifically designed to provide good combustion performance.

EMISSIONS CONTROL AREAS

Northern Virginia Emissions Control Area: Arlington County, Fairfax County, Loudoun County, Prince William County, Stafford County, Alexandria City, Fairfax City, Falls Church City, Manassas City and Manassas Park City.

Hampton Roads Emissions Control Area: **Gloucester County**, **Isle of Wight County**, James City County, York County, Chesapeake City, Hampton City, Newport News City, Norfolk City, Poquoson City, Portsmouth City, Suffolk City, Virginia Beach City and Williamsburg City.

Richmond Emissions Control Area: Charles City County, Chesterfield County, Hanover County, Henrico County, **Prince George County**, Colonial Heights City, Hopewell City, **Petersburg City** and Richmond City.

Western Virginia Emissions Control Area: **Botetourt County**, **Frederick County**, **Roanoke County**, **Roanoke City**, **Salem City** and **Winchester City**.

Fredericksburg Emissions Control Area: **Spotsylvania County** and **Fredericksburg City**.

SUMMARY OF REQUIREMENTS

Article 40 restricts the use of open burning to destroy certain waste products during the months of May, June, July, August, and September in certain emissions control areas (see list above).

The seasonal restrictions apply to the open burning of waste for the:

- Destruction of clean burning waste and debris waste resulting from property maintenance, from the development or modification of roads and highways, parking areas, railroad tracks, pipelines, power and communication lines, buildings or building areas, sanitary landfills, or from any other clearing operations.
- Destruction of clean burning waste and debris waste on the site of local landfills.

The seasonal restrictions **do not** apply to certain open burning activities; however, these activities have their own conditions and restrictions (consult the regulations for the specifics). These include the open burning of waste for the:

- Elimination of a hazard which constitutes a threat to the public health, safety or welfare.
- Training and instruction of government and public fire fighters. This includes the burning of buildings which have not been demolished.
- Destruction of classified military documents.
- Use of camp fires or other fires that are solely for recreational purposes, for ceremonial occasions, for outdoor noncommercial preparation of food, and for warming of outdoor workers.
- Disposal of leaves and tree, yard and garden trimmings located on the premises of private property.
- Disposal of household refuse by homeowners or tenants.
- Destruction of any combustible liquid or gaseous material (including hazardous waste or commercial/industrial waste) by burning in a flare or flare stack.
- Disposal according to forest management and agriculture practices.